

January 16, 2023

ECF filed and served

Hon. William B. Shubb  
United States District Judge  
Eastern District of California  
Robert T. Matsui United States Courthouse  
501 I Street, Suite 4-200  
Sacramento, CA 95814

*Hoang v. Bonta* 2:22-cv-012547-WBS-AC/Response to Defendants' Statement  
Regarding Plaintiffs' Standing

Dear Judge Shubb:

Please accept this short letter response to the Defendants' statement regarding whether they contest or concede Plaintiffs' standing. Defendants acknowledge that they are not challenging Plaintiffs' standing in the pending Preliminary Injunction Motion. This would seem to imply that they do not object to the Court's deciding our motion on the merits. However, they wish to reserve their rights to assert a standing challenge at some future point in this litigation. We have no problem with that. If and when there is standing defense asserted in this case, Plaintiffs will file a substantive response to it.

As the Court acknowledged, counsel for the Defendants herein asserted a standing defense in *Hoeg*. The Court may also know that the same counsel asserted the same vigorous standing defense in *McDonald*, and that defense was initially successful, resulting in the dismissal of the original complaint without prejudice. Obviously, if defense counsel thought that the facts set out in our complaint and the declarations supported a viable standing defense to our Preliminary Injunction Motion, they would have asserted it in their opposition papers, or in their response to the Court's specific invitation to do so in its recent order. We think the difference in the defense counsel's standing approach in this case is the high level of detail and the articulated, specific concrete plan, as compared to the other two cases, which led counsel to forgo a standing defense in the pending motion. In short, different alleged facts require different strategies, as defense counsel has wisely recognized.

Very truly yours,



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Richard Jaffe

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